W.P.M.P. No.1042 of 2007
in
W.P.NO. 10457 of 1995

T. RAJA J.,

This Miscellaneous Petition has been filed seeking to condone the huge and unexplained delay of 1972 days in filing the application to restore the W.P. No.10457/1995 dated 13.07.2001.

2. Learned counsel appearing for the petitioner would submit that the petitioner was a voluntary charitable organisation, running a family planning centre on the grants paid by the Government of Tamil Nadu. Since the grants paid are only towards the expenses incurred in running the family planning unit, the petitioner has no resources to pay the amount computed by the Labour Court nor has any facility to employ the second respondent. Therefore, aggrieved by the Award passed by the learned Labour Court, Chennai, filed the writ petition.

3. However, as no one appeared for the petitioner, the writ petition was dismissed for default on 13.07.2001. The said fact of dismissal was not known to the counsel. Resultantly, after coming to know of the dismissal, the petitioner has come with the restoration petition along with a petition to condone the delay of 1972 days. But the affidavit filed in support of the condone delay application, does not

whisper any single reason, leave along the sufficient cause. There is no any explanation given to condone the huge and unexplained delay of 1972 days in filing the application for restoration.

4. Mr. L. Chandrakumar, learned counsel appearing for the respondents, heavily relying, placed on record the order of the Hon'ble Apex Court in the case of ***State of Uttar Pradesh through Executive Engineer & anr. vs. Amar Nath Yadav, reported in (2014) 2 SCC 422*** and submitted that the prayer to condone the delay should not be accepted as there was no proper explanation offered by the petitioner for the delay to be excused. When the petitioner has miserably failed to give any acceptable and cogent reasons sufficient to condone such a huge delay, as per the ratio of the Hon'ble Apex Court in the aforementioned judgment, the prayer to condone the huge delay should be rejected.

5. Finding merits in the submission, as the petitioner has not come forward to give any proper explanation, leave alone any acceptable or cogent reasons sufficient to condone such a huge delay, the prayer of the petitioner to condone the delay is refused.

avr **12.03.2015**

T. RAJA, J.

avr

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